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REMARKS

Claims 1-7, 11-12, 18-26, 41, and 47 are rejected under 35 U.S.C. §102(b). Claims 13-15, 27, and 42-46 are rejected under 35 U.S.C. §103(a).

By this Amendment, claim 1 has been amended to include the subject matter of claims 41 and 47 and claim 27 amended to include the subject matter of claims 42 and 46. Claims 15-17, 41, 42, 46, and 47 are canceled.

For the reasons set forth hereafter, it is respectfully submitted that Applicants' invention as set forth in the pending claims includes features which are not anticipated or rendered obvious by the cited references, taken singly or in any permissible combination. Reconsideration is, therefore, respectfully requested.

In rejected claims 1-6 and 18-22 under 35 U.S.C. §102(b) as being anticipated by Roller, the Examiner contends that Roller discusses the heating plate as being made of a thermally conducted mass of cast or extruded aluminum or aluminum alloy or equivalents known in the art.

Despite a careful review, Applicants have not found any teaching in Roller of forming the mass as an extruded mass or from extruded aluminum or aluminum alloy or equivalents thereof. At best, Roller discloses casting the mass.

However, a simple teaching of casting is not the same of teaching of Applicants' invention as set forth in claims 1-6 and 18-22 in which the mass of a material initially in a semi-solid state to achieve the desired low porosity is cast thermally conductive mass. Conventional casting techniques are not capable of achieving the low porosity defined by the Applicants in claims 1-6 and 18-22.

For these reasons, it is respectfully submitted that Applicants' invention as set forth in claims 1-6 and 18-22 includes features which are not taught or suggested by Roller.

Claims 1, 2, 16, 17, and 22-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Barkley and claims 1, 2, 7, 11, 12, 41, and 47 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wu on essentially the same grounds as the rejections based on Roller. With respect to Wu, the Examiner contends that the method of forming the device originally set forth in claims 41 and 47 is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight by the Examiner.

However, it is respectfully submitted that the process used to construct the thermally conductive mass with the specified low porosity is part of

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the invention and is directly related to the patentability of the invention as Applicants are claiming a low porosity mass which has a high thermally conductive efficiency compared to prior thermally conductive masses due to the substantial lack of air insulating voids within the mass. It is this feature which effects the operation of Applicants' claimed invention and forms a part thereof. As such, it is respectfully submitted that this feature of Applicants' invention cannot be ignored by the Examiner and must be fully considered.

Since this feature is not taught by Barkley or Wu, it is respectfully submitted that Applicants' invention as set forth in the enumerated claims patentably defines over Barkley and Wu and is not anticipated thereby.

Claims 15, 27, and 42-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barkley in view of Rocchitelli. Claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu. With respect to claim 27, the Examiner makes the same rejection as set forth with respect to the previous claims in that the method of forming the mass is not germane to the issue of patentability of the mass itself.

However, as set forth above, it is submitted that the formation of the mass with low porosity is germane to the issue of patentability and must be fully considered and given patentable weight. Since Barkley, Rocchitelli, and Wu are devoid of any teaching of forming a low porosity thermally conductive mass in any manner, it is respectfully submitted that Applicants' invention as set forth in claims 27 and 43-45 includes features which are not suggested or rendered obvious by the cited references, taken in any permissible combination.

In summary, for the reasons set forth above, it is respectfully submitted that Applicants' invention as set forth in the claims includes features which are not anticipated or rendered obvious by the cited references, taken singly or in any permissible combination. Accordingly, it is respectfully submitted that the pending claims are in condition for allowance; a notice of which is respectfully requested.

Entry of this Amendment under the provisions of rule 37 C.F.R. 1.116 is submitted to be warranted and is respectfully requested. By this Amendment, a number of claims have been canceled thereby reducing the issues outstanding for consideration by the Examiner. The amendments to the claims incorporate subject matter solely from the canceled claims and thereby do not introduce new matter which would create undo consideration or require further

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search by the Examiner. Such amendments also place all of the claims in condition for allowance.

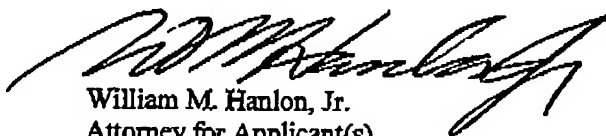
The amendments to the claims are submitted at this time to address the Examiner's comments raised for the first time in the "final" Office Action that the method of forming the thermally conductive mass is not germane to the patentability of the invention.

For these reasons, it is respectfully submitted that consideration and entry of this Amendment under the provisions of Rule 37 C.F.R. 1.116 is submitted to be warranted and is requested.

If, after considering this Amendment, the Examiner believes that further amendments to the claims may be necessary to place the claims in condition for allowance, he is invited to contact Applicants' attorney at the below listed telephone number.

Respectfully submitted,

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